

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

MARK JOSEPH CRISCUOLO  
Debtor

Chapter 13

Case No. 09-14063-SSM

**CONDITIONAL ORDER CONFIRMING MODIFIED PLAN**

The Modified Chapter 13 Plan filed by Mark Joseph Criscuolo on February 4, 2010, having been transmitted to all creditors; and it having been determined that the plan meets each of the requirements of 11 U.S.C. Section 1325(a);

**It is ORDERED that:**

- (1) the Plan as filed or modified is CONFIRMED.
- (2) Upon entry of this order, all property of the estate shall revert in the Debtor(s). Notwithstanding such reversion, the Debtor(s) shall not encumber, refinance, sell or otherwise convey real property without first obtaining an order of approval from this Court.
- (3) All funds received by the Chapter 13 Trustee on or before the date of an order of conversion or dismissal shall be disbursed to creditors, unless such disbursement would be de minimis, in which case the funds may be disbursed to the Debtor(s) or paid into the Treasury registry fund account of the Court, at the discretion of the Trustee. All funds received by the Chapter 13 Trustee after the date of the entry of the order of dismissal or conversion shall be refunded to the Debtor(s) at their address of record.

**It is further ORDERED that:**

**Order Confirming Plan**

Mark Joseph Criscuolo

**Case #09-14063-SSM**

1. On June 20, 2009, and each month thereafter until further order of this Court, the Debtor shall pay to the Trustee, Thomas P. Gorman at P.O. Box 1553, Memphis, TN 38101-1553 the sum of \$397.30 per month for 8 months and then \$550.00 per month for the remaining 52 months of the Plan. Payments under said Plan to be completed within 60 months from the due date of the first payment in this case.

2. Plan is conditionally confirmed upon a judgment in favor of the Debtor in Adversary Proceeding No. 09-1255 determining OneWest's claim to be unsecured.

3. The Debtor(s) shall comply with the agreed modifications of page three of the Order Confirming Plan.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Stephen S. Mitchell  
United States Bankruptcy Judge

Confirmation Recommended.

/s/ Thomas P. Gorman\_\_\_\_\_  
Thomas P. Gorman  
Chapter 13 Trustee  
300 North Washington Street, Ste. 400  
Alexandria, VA 22314  
(703) 836-2226  
VSB #26421

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Thomas P. Gorman\_\_\_\_\_  
Thomas P. Gorman, Chapter Trustee

**ADDENDUM TO PLAN AND CONSENT ORDER CONFIRMING PLAN, page 3**  
**Chapter 13 Case 09-14063-SSM**  
**Mark Joseph Criscuolo**

The Debtor(s) shall furnish the Trustee annual federal and state income tax returns within forty five (45) days of the due date of such returns for each year of the Chapter 13 case, plus federal and state income tax refunds in the excess of \$250.00 per annum unless otherwise ordered by this Court. In addition, the Debtor shall furnish the Trustee any such amount(s) as are hereafter determined by the Court to be disposable income of the Debtor(s) during the pendency of this proceeding and any additional information as the Trustee may require for determination of the DebtorsDdisposable income.

/s/ Mark Joseph Criscuolo \_\_\_\_\_  
Mark Joseph Criscuolo

/s/ Martin C. Conway \_\_\_\_\_  
Martin C. Conway

/s/Thomas P. Gorman \_\_\_\_\_  
Thomas P. Gorman

**Order Confirming Plan**

Mark Joseph Criscuolo

**Case #09-14063-SSM**

**PARTIES TO RECEIVE COPIES**

Mark Joseph Criscuolo

Chapter 13 Debtor

14416 Club House Road

Gainesville, VA 20155

Martin C. Conway

Attorney for Debtor

7926 Jones Branch Drive, Ste. 930

McLean, VA 22102

Thomas P. Gorman

Chapter 13 Trustee

300 North Washington Street, Ste. 400

Alexandria, VA 22314